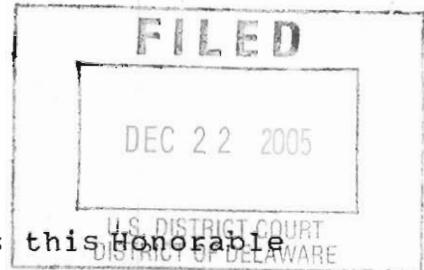UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ERIC WITHERSPOON,
     PETITIONER,

v.   CIVIL ACTION No. 04-1424 -JJF

LOIS RUSSO,
Superintendent/Warden,
and M. JANE BRADY,
Attorney General of the
State of Delaware,
     Respondents.

MOTION FOR AN EXTENSION OF TIME

Now comes Petitioner, (Witherspoon), moves this Honorable
Court pursuant to Fed.R.Civ.P. Rule 4(a)(5) and all other
rules and/or authorities for an Extension of Time within
which to file a notice of appeal.

As reasons thereof, Witherspoon attests that on or
about November 26, 2005 he was transported to solitary
confinement, where he remained until, on or about December
12, 2005 devoid significant access to relevant legal material
and personal property (i.e. personal typewriter, typing
paper, stamps, envelopes and relevant documents pertaining
to this litigation). Witherspoon further attests that on
or about December 12, 2005 he was transported to an auxiliary
confinement unit where he still lacks substantive personal
property. Although Witherspoon is afforded access to the
law library while he is housed in the auxiliary confinement
unit, he is limited to approximately one hour a week. During
this one hour law library period, Witherspoon is unable
to obtain legal supplies (i.e. typing paper, envelopes
and photocopies). Hence, Witherspoon is incapable of effectively
filing a notice of appeal and therefore request an additional
30 day period which would allow him enough time to return
to general population and prepare the necessary documents

for filing.

Wherefore, the reasons set forth above, this motion should be ALLOWED.
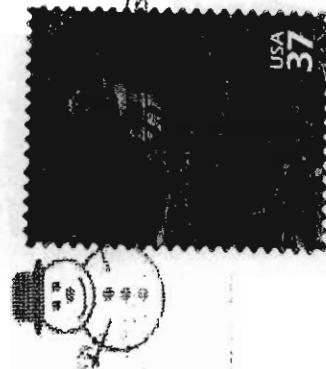
Respectfully submitted
by, *Eric Witherspoon*

Eric Witherspoon, pro se
SBCC
Post Office Box 8000
Shirley, Ma 01464

Dated:

USA 37

CENTRAL MA 015

20 DEC 2005 PM 2 L

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
844 N. KING STREET, LOCKBOX 18
WILMINGTON, DELAWARE 19801-3570

LEGAL MAIL
USMS

c/o Eric Witherspoon
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